

THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

C.H. Robinson Worldwide, Inc., a Delaware corporation,

Civil No. 03-2978 JRT/FLN

Plaintiff,

vs.

Ghirardelli Chocolate Co., a California corporation,

**GHIRARDELLI CHOCOLATE
COMPANY'S MOTION
FOR SUMMARY JUDGMENT**

Defendant.

TO: Plaintiff above-named and its attorneys, Richard J. Nygaard, Rider Bennett, LLP, Suite 4900, 33 South Sixth Street, Minneapolis, MN 55402.

Pursuant to Rule 56 of the Federal Rules of Civil Procedure, Ghirardelli Chocolate Company ("GCC") hereby moves the Court as follows:

1. GCC requests a ruling that the parties entered into an express contractual agreement and dismissing CHRW's claims for account stated, quantum meruit and unjust enrichment.
2. GCC requests a ruling that CHRW's claims for damages pursuant to all Counts of the Amended Complaint (account stated, quantum meruit and unjust enrichment) be dismissed because it has no admissible evidence to support its claims.
3. GCC requests a ruling that CHRW's claim for account stated be dismissed because there is no genuine issue of material fact.

This motion will be based upon all the files, affidavits, memoranda and proceedings herein.

LARSON • KING, LLP

Dated: February 14, 2005

By s/*David A. Schooler*

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